

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 99-0125P

Sales Tax

For the Period Ending 11/30/98

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer, in a letter dated March 8, 1999 protested the penalty assessed for the late filing of its November 30, 1998 ST-103 and states its payment record has been excellent over the last couple of years. Taxpayer further states that with the holidays and time off for vacation, time was extremely limited and most importantly, they upgraded their computer systems, which caused problems with many reports. It assures the department that it will make every effort possible to guarantee that the sales tax report will be filed and the tax paid promptly in the future as it has over the last couple of years.

A review of the taxpayer's payment history indicates it had other late payments for which penalty was assessed. Taxpayer is aware of the consequences in not timely filing and paying tax.

I. **Tax Administration** – Penalty

DISCUSSION

Taxpayer states the late payment was due to upgrading their new computer system, the holidays,

and time off for vacation, and it will make every effort to timely file and pay all liabilities in the future.

Taxpayer's records however, indicate it had several late payment penalties assessed previously and should be aware that penalties will be assessed for late filing and payment.

Taxpayer has not provided reasonable cause to allow the department to waive the penalty. Taxpayer should have procedures in effect to assure tax payments are timely made.

The department finds the penalty proper.

FINDING

Taxpayer's protest is denied.

DW/RAW/MR 990604